

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH TELLES, SR., MICHAEL TELLES,
Individually, and as parent and next best friend of
OLIVIA TELLES and JACOB TELLES,

Plaintiffs,

vs.

Cause No. 1:15-cv-00992-KBM-LF

METLIFE AUTO & HOME,
METROPOLITAN PROPERTY AND
CASUALTY INSURANCE COMPANY,
and DOES 1-5,

Defendants.

**ORDER APPROVING MINOR SETTLEMENT
AND DISMISSING ALL CLAIMS AGAINST DEFENDANT WITH PREJUDICE**

THIS MATTER having come before the Court on the Report of the Guardian ad Litem, the Court, having reviewed the pleadings, having heard the report of the Guardian ad Litem, having held a hearing on April 26, 2016 and being otherwise fully advised in the matter, and noting that there is no opposition to the Report, FINDS:

1. Michael and Bernadette Telles are the natural parents and guardians of 16 year old child, Olivia Telles and 14 year old child, Jacob Telles.

2. Mr. and Mrs. Telles have been advised of and considered the merits of their case, the merits of the defenses raised by Defendant, the risks and benefits of proceeding to trial

in the above-referenced matter against Defendant, as well as possible jury verdict ranges if their claims on behalf of their minor children, Olivia and Jacob Telles, were to proceed to trial and Plaintiffs were successful in proving liability of Defendant.

3. Plaintiffs have been advised of and considered the possible costs of future medical care that may be needed by their minor children, Olivia and Jacob Telles, as a result of the injuries that are the subject of the above-captioned matter.

4. Plaintiffs, as natural parents and guardians of Olivia and Jacob Telles, their minor children, understand that entering into a settlement with Defendant is a final settlement of all claims they have made or could make on behalf of their minor children, Olivia and Jacob Telles, against Defendant.

5. After carefully considering and weighing all of these factors, Plaintiffs have decided to settle all claims that have been or could have been raised in the above-captioned matter by Plaintiffs as natural parents and guardians of Olivia and Jacob Telles, their minor children, against Defendant.

6. As detailed in the report provided to the Court, the court-appointed Guardian ad Litem, Raynard Struck, has conducted a thorough investigation and review of Plaintiffs' legal files and medical literature related to the injuries that are the subject of the above-captioned matter, interviewed the minor children's parents, Michael and Bernadette Telles, and has considered the merits of their case, the merits of the defenses raised by Defendant, the risks and benefits of proceeding to trial in the above-captioned matter, as well as possible jury verdict ranges if their claims were to proceed to trial and Plaintiffs were successful

in proving liability of Defendant. The Guardian ad Litem has also been advised of and considered the possible costs of future medical care that may be needed by Olivia and Jacob Telles as a result of the injuries that are the subject of the above-captioned matter.

7. After considering and weighing all of these factors, the Guardian ad Litem has, through his report, recommended that the Court approve the settlement of all claims that have been or could have been raised in the above-captioned matter by Plaintiffs as natural parents and guardians of Olivia and Jacob Telles, their minor child, against Defendant.

8. Plaintiffs understand that the settlement proceeds identified as resolving in full all claims raised by them in their capacity as natural parents and guardians of Olivia and Jacob Telles, their minor child, are to be used solely for the benefit of Olivia and Jacob Telles, and not for their personal use or the personal use of Olivia and Jacob Telles's parents.

9. The terms of the settlement, as detailed to the Court in the Report of the Guardian ad Litem, is in all respects fair, proper and in the best interests of the minor children, Olivia and Jacob Telles. With the modification that the funds for Olivia Telles shall be placed in a savings account rather than a custodial CD, the Guardian ad Litem's Report should be approved and confirmed by the Court.

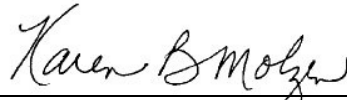
10. Once the settlement is approved by the Court, all claims that have been or could have been raised in the above-captioned matter by Michael and Bernadette Telles as natural parents and guardians of their minor children, Olivia and Jacob Telles, will be settled and dismissal with prejudice of all such claims made by Plaintiffs against Defendant should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Report of the Guardian ad Litem is well taken and the recommendation contained in the Report for approval of the minor settlement is hereby GRANTED, and the Court hereby approves the settlement as being fairly and honestly negotiated, that serious questions of law and fact exist and that the value of an immediate recovery outweighs the mere possibility of future relief, and therefore is in the best interests of the minor children, Olivia and Jacob Telles, with the settlement proceeds to be used for the benefit of the minor children as set forth above and in the Report of the Guardian ad Litem, with the modification for the funds for Olivia Telles to be placed in a savings account;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the agreed upon funds will be placed in a savings account for Olivia Telles and in a custodial CD for Jacob Telles, as is more fully described and in accordance with the terms and conditions of the Settlement Agreement and Release and the Report of the Guardian ad Litem, which has been approved by the Court;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court, having approved the minor settlement, hereby FINDS that all claims made by Plaintiffs as guardians and natural parents of their minor children, Olivia and Jacob Telles, against Defendant are hereby dismissed with prejudice, with all parties to bear their own costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Guardian ad Litem is discharged from all further duties.



HONORABLE KAREN B. MOLZEN
United States Chief Magistrate Judge

SUBMITTED AND APPROVED BY:

/s/ Approved via e-mail on 5/25/16 by:

Linda Rios
Attorney for Plaintiffs
RIOS LAW FIRM
PO Box 3398
Albuquerque, NM 87190-3398
(505) 232-2298

/s/ James H. Johansen

James H. Johansen
Amy E. Headrick
BUTT THORNTON & BAEHR PC
*Attorneys for Defendant Metropolitan
Property and Casualty Insurance Company*
P.O. Box 3170
Albuquerque NM 87190-3170
(505) 884-0777

/s/ Approved via email 4/27/16 by:

Raynard Struck
MEDRANO, HESS & STRUCK
*Guardian Ad Litem for
Olivia and Jacob Telles, minors*
20 First Plaza Ctr, NW, 600N
Albuquerque, NM 87102-5801
Telephone: (505) 217-2200